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March 6, 2024

VIA ECF

Pamela K. Chen, U.S.D.J.
United States District Court, Eastern District of New York
225 Cadman Plaza East, Courtroom 4F North
Brooklyn, New York 11201-1804

Re: *IME Watchdog, Inc. v. Gelardi, et al.*
Case No.: 1:22-cv-1032 (PKC)(JRC)

Dear Judge Chen:

We represent defendants Safa Gelardi, Vito Gelardi and IME Companions LLC (collectively, “Defendants”) and write to request clarification of and/or a modification to this Court’s Second Amended Preliminary Injunction (Dkt. 254-1) for the limited purpose of ensuring that my law firm and I are permitted to communicate with The Gucciardo Law Firm PLLC (“Gucciardo”) in connection with the allegations of contempt set forth in plaintiff’s letter motion dated March 6, 2024. (Dkt. 288).

Plaintiff has now accused Defendants of contempt of Court by servicing Gucciardo on April 20, 2023. The Second Amended Preliminary Injunction prohibits Defendants, their agents and employees, from “contacting (or eliciting contact from) and/or surveilling Plaintiff’s current clients, employees, and agents.” We have no way of knowing whether Gucciardo is a current client of the plaintiff’s, and we thus request permission from the Court to communicate with Gucciardo concerning plaintiff’s allegations of contempt so that we are not accused of violating any Court Order in the event Gucciardo is currently plaintiff’s client. Our communication will be limited to matters pertaining to plaintiff’s allegations of contempt, and is necessary to defend plaintiff’s contempt application, which is based upon a double-hearsay allegation that IME Companion LLC provided services for Gucciardo on April 20, 2023, which plaintiff alleges without evidence was one of plaintiff’s clients at the time.

In light of the foregoing, we respectfully request that the Second Amended Preliminary Injunction be modified to allow Warner & Scheuerman, its members and/or employees, to contact Gucciardo in connection with plaintiff’s latest contempt application.

We thank the Court for its anticipated cooperation.

Respectfully,

/s/ Jonathon D. Warner

JDW/ks

cc: All counsel (via ECF)